

Full docket text:

ORDER granting [33] Motion to Stay Foreclosure Action Pursuant to the COVID-19 Emergency Eviction and Foreclosure Prevention Act of 2020 --- Based on Plaintiff's response to the Court's January 5, 2021 Electronic Order (DE # [34]), the Court is satisfied that the COVID-19 Emergency Eviction and Foreclosure Prevention Act of 2020 (the "Act") applies to the mortgage loan at issue in this case. The Court notes that Plaintiff's statement that it does not take a position as to whether this New York State Act applies to this federal action, will not preserve any future argument that the stay was unlawful or inappropriate. The time to contest the applicability of the Act was in response to the Court's January 5th Order. The Court will no longer tolerate this pattern of Plaintiff being partially or wholly unresponsive to Court orders to suit its purposes and sanctions may be imposed in the future if such conduct persists.

By its January 5th Order, the Court determined that Defendant Begum's hardship declaration (*See*, Dkt. Entry No. [33-2]) satisfies the Act. Therefore, Defendant Begum's motion to stay this action through May 1, 2021 is granted and the following new schedule is set for the briefing of Plaintiff's summary judgment motion: Plaintiff's motion to be *served* May 3, 2021; Defendant's opposition to be *served* June 3, 2021; and Plaintiff's reply shall be *served* July 2, 2021. In accord with the Court's bundle rule, Plaintiff shall file the fully briefed motion on July 2, 2021 and immediately thereafter forward a hard courtesy copy of the fully briefed motion to chambers.

To the extent that the parties have expressed an ongoing desire to settle this matter, notwithstanding the COVID-19 pandemic, there is no reason why the parties cannot arrange with the magistrate judge to hold a settlement conference either by telephone or video. SO ORDERED by Judge Dora Lizette Irizarry on 1/8/2021. (Irizarry, Dora)

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